

1 JEFFREY L. BORNSTEIN – 099358  
MICHAEL FREEDMAN – 262850  
2 CARA E. TRAPANI – 313411  
ROSEN BIEN GALVAN & GRUNFELD LLP  
3 50 Fremont Street, 19<sup>th</sup> Floor  
San Francisco, California 94105-2235  
4 Telephone: (415) 433-6830  
Facsimile: (415) 433-7104  
5 Email: JBornstein@rbgg.com  
MFreedman@rbgg.com  
6 CTrapani@rbgg.com

7 ATTORNEYS FOR NON-PARTIES  
8 PAVEL PROSYANKIN AND JOHN DOE

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION  
12

13 IN RE APPLICATION OF ILYAS  
KHRAPUNOV PURSUANT TO 28  
14 U.S.C. § 1782 FOR THE TAKING OF  
DISCOVERY FOR USE IN A FOREIGN  
15 PROCEEDING

Case No. 4:17-mc-80107-HSG

**STIPULATION AND ORDER  
CONTINUING HEARING DATE AND  
RE-SETTING BRIEFING SCHEDULE**

16 Judge: Hon. Haywood S. Gilliam, Jr.  
Date: March 29, 2018  
17 Time: 2:00 p.m.

1 Non-Parties Pavel Prosyankin and Joe Doe (collectively “Objectors”), by their  
2 counsel Jeffrey L. Bornstein, and Applicant Ilyas Khrapunov, by his counsel Martha  
3 Boersch, hereby stipulate and agree as follows:

4 1. On October 1, 2017, Objectors Pavel Prosyankin and John Doe filed a motion to  
5 quash the subpoena Magistrate Judge Kandis A. Westmore issued on August 25, 2017, to Google,  
6 Inc. (Dkt. 8). Ilyas Khrapunov has applied for that subpoena pursuant to 28 U.S.C. § 1782.

7 2. After briefing and oral argument on the motion to quash, Judge Westmore issued  
8 an order on November 22, 2017, granting in part and denying in part the Objectors’ motion to  
9 quash. In the order, she granted the Objectors 15 days in which to file a motion in this Court for  
10 relief from her order. (Dkt. 29).

11 3. On December 6, 2017, the Objectors filed a Motion for De Novo Determination of  
12 Dispositive Order of Magistrate Judge concurrently with an Administrative Motion to Augment  
13 Record and Set Briefing Schedule. (Dkts. 32 and 33). Based on the Court’s calendar, Objectors  
14 noticed March 1, 2018, as the hearing date for their motions. Objectors’ counsel has a conflict and  
15 after conferring with Applicant’s counsel is requesting a four-week continuance to March 29,  
16 2018, due to the Court’s availability.

17 4. Subject to this Court’s confirming Order, the parties request that:

- 18 • The hearing date be continued to March 29, 2018.
- 19 • Applicant Khrapunov’s responses shall be filed on or before  
20 February 21, 2018.
- 21 • Any replies by the Objectors shall be filed on or before March 7,  
22 2018.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 IT IS SO STIPULATED

2 DATED: January 9, 2018

Respectfully submitted,

3 ROSEN BIEN GALVAN & GRUNFELD LLP

4 By: /s/ Jeffrey L. Bornstein  
Jeffrey L. Bornstein  
5 Michael Freedman  
6 Cara E. Trapani

7 Attorneys for Non-Parties  
8 PAVEL PROSYANKIN AND JOHN DOE

9 DATED: January 9, 2018

10 BOERSCH SHAPIRO LLP

11 By: /s/ Martha Boersch  
Martha Boersch

12  
13 Attorney for Applicant  
14 ILYAS KHRAPUNOV

15 **ECF ATTESTATION**

16  
17 I attest that concurrence in e-filing this **STIPULATION AND [PROPOSED]**  
18 **ORDER CONTINUING HEARING DATE AND RE-SETTING BRIEFING**  
19 **SCHEDULE** has been received from Martha Boersrsch in compliance with Civil L.R. 5-  
20 1(i)(3).

21 DATED: January 9, 2018

22 By: /s/ Jeffrey L. Bornstein  
23 Jeffrey L. Bornstein  
24  
25  
26  
27  
28

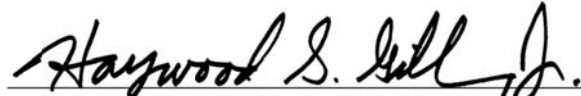
1 **ORDER**

2 IT IS HEREBY ORDERED, based on the foregoing stipulation of the parties and  
3 good cause appearing, the motions hearing previously set for March 1, 2018 has been  
4 continued to March 29, 2018 at 2:00 p.m. Applicant Ilyas Khrapunov's oppositions to the  
5 Motion for De Novo Review and Administrative Motion to Augment Record and Set  
6 Briefing should be due on or before February 21, 2018. Any replies by the Objectors shall  
7 be filed on or before March 7, 2018. This Order does not alter the Stay Order issued by  
8 the Magistrate Judge in her November 22, 2017, order (Dkt. 29), which shall remain in  
9 effect throughout the pendency of this appeal.

10  
11 IT IS SO ORDERED.

12 By:

13 DATED: January 9, 2018

14   
15 HON. HAYWOOD S. GILLIAM, JR.  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28